

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

United States of America)
v.)
) Case No. 2:24-mj-424
JON CHRISTOPHER BIRT)
)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 29, 2024 and August 7, 2024 in the county of Delaware in the
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1) and (b)(1)(C)	Knowingly and Intentionally Distribute a Controlled Substance, to wit: a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers and salts of its isomers (2 Counts)

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

ROBERT KUKOV

Digitally signed by ROBERT KUKOV
Date: 2024.08.26 12:18:51 -04'00'

Complainant's signature

Robert Kukovec, Special Agent (HSI)

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).

Date: August 26, 2024

City and state: Columbus, Ohio

Kimberly A. Johnson
Kimberly A. Johnson
United States Magistrate Judge



AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

I, **Robert Kukovec**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (HSI) within the United States Department of Homeland Security. I have been employed as a Special Agent since April 2002, and I am currently assigned to the HSI office in Columbus, Ohio. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am currently assigned to a multi-jurisdictional narcotics task force in the central Ohio area, and I am cross designated to investigate violations of Title 21 of the United States Code. Prior to my employment with HSI (and formerly U.S. Customs), I was employed as a police officer in the state of Ohio for approximately 8.5 years. My responsibilities and duties include the investigation and enforcement of federal laws and regulations related to customs and immigration violations, including but not limited to narcotics, financial crimes, fraud, and violations of the Immigration and Nationality Act.

2. The information set forth in this affidavit is based upon my knowledge, training, experience, and participation in investigations involving the smuggling, possession, distribution, and storage of narcotics and narcotics proceeds. This information is also based on the knowledge, training, experience, and investigations conducted by fellow law enforcement officers, which have been reported to me either directly or indirectly. I believe this information to be true and reliable. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. Your affiant did not withhold any information or evidence that would negate probable cause. I know it is a violation of 21 U.S.C.

§ 841(a)(1) for any person to knowingly or intentionally distribute, or possess with intent to distribute, a controlled substance.

PURPOSE OF AFFIDAVIT

3. This Affidavit is made in support of a federal criminal complaint against **JON CHRISTOPHER BIRT** for two counts of Distribution of a Controlled Substance, in violation of Title 21, United States Code § 841(a)(1) and (b)(1)(C).

PROBABLE CAUSE

4. In July 2024, the Delaware County Drug Task Force (DCDTF) and HSI Columbus developed information from two (2) confidential sources, CS-1 and CS-2, that Jon Christopher BIRT was involved in narcotics trafficking within the Southern District of Ohio. The sources advised investigators that they purchased methamphetamine from a subject only known as “Chris” (later identified as BIRT) from the Dayton, Ohio area who utilized phone number 937-560-9609. Subscriber information for this phone number from T-Mobile confirmed it belonged to BIRT. Investigators coordinated this investigation with the Regional Agencies Narcotics & Gun Enforcement (RANGE) task force in Montgomery County, Ohio.

5. On July 29, 2024, HSI Columbus and the DCDTF utilized CS-1¹ to arrange the purchase of approximately one (1) pound of methamphetamine for \$1,400 and one (1) ounce of cocaine for \$650 from BIRT in Columbus, Ohio (Delaware County) within the Southern District of Ohio. At the direction of law enforcement, CS-1 contacted BIRT at his phone number (937-560-9609) and arranged the purchase. Prior to the meet, CS-1 was personally checked by investigators and confirmed to have no contraband and was then provided with prerecorded buy

¹ CS-1 is getting paid to provide information in reference to narcotics trafficking in the central Ohio area. CS-1 is believed be reliable and credible based upon investigators being able to independently corroborate the information provided by CS-1 in reference to BIRT.

money. Law enforcement observed BIRT arrive at the predetermined meet location in a black 1998 GMC Sierra 1500 (Ohio registration JYQ5211) registered to him at 4848 Wolf Creek Pike in Dayton, Ohio. The RANGE task force later confirmed that this vehicle was observed regularly in July 2024 parked at that same address in Dayton, Ohio. CS-1 conducted the narcotics transaction with BIRT utilizing the prerecorded buy money. The RANGE task force observed BIRT's vehicle departing the Dayton, Ohio area prior to the controlled buy and returning to the Dayton, Ohio area after the controlled buy. The total weight of the narcotics purchased by CS-1 from BIRT was approximately 428 grams of methamphetamine and 27 grams of cocaine, which both field tested positive utilizing the TruNarc Handheld Narcotics Analyzer. CS-1 also positively identified a current driver's license photograph of BIRT from the Bureau of Motor Vehicles (BMV) as the subject he/she knew as "Chris," and who investigators observed conducting the narcotics transaction with CS-1.

6. On July 31, 2024, the RANGE task force obtained a vehicle tracker warrant for BIRT's black 1998 GMC Sierra 1500 (Ohio registration JYQ5211) through the state of Ohio based on the controlled purchase conducted on July 29, 2024, by the DCDTF and HSI Columbus. The tracker was deployed on BIRT's vehicle by the RANGE task force on August 1, 2024.

7. On August 7, 2024, the DCDTF and HSI Columbus utilized CS-2² to arrange the purchase of approximately one (1) pound of methamphetamine from BIRT in Columbus, Ohio (Delaware County) within the Southern District of Ohio. Prior to setting up this controlled purchase, the RANGE task force located BIRT's vehicle, a black 1998 GMC Sierra 1500 (Ohio registration JYQ5211), at his residence at 4848 Wolf Creek Pike in Dayton, Ohio, and established surveillance at that location. At the direction of law enforcement, CS-2 then placed the call to

² CS-2 is working for case consideration and has previously provided information to other law enforcement agencies in the past that was deemed reliable and independently corroborated.

BIRT's phone number (937-560-9609) to order the methamphetamine. Shortly after, the RANGE task force observed BIRT depart his residence in his black GMC Sierra and begin travelling toward Columbus, Ohio. The RANGE task force conducted surveillance and followed the vehicle until it departed the Dayton, Ohio area and began travelling eastbound on I-70 toward Columbus. The vehicle tracker was then utilized by investigators to track BIRT to the meet location in Columbus, Ohio indicating that the vehicle never stopped along the way.

8. Consistent with the first controlled purchase, CS-2 was personally checked by investigators and confirmed to have no contraband and was then provided with prerecorded buy money. At the direction of law enforcement, CS-2 conducted the narcotics transaction with BIRT at the predetermined buy location utilizing the prerecorded buy money. Surveillance units then followed BIRT from the area and observed him begin to travel back westbound toward Dayton, Ohio. The tracker on BIRT's vehicle then indicated that BIRT returned to the Dayton, Ohio area after the controlled buy. The total weight of the narcotics purchased by CS-2 from BIRT was approximately 447 grams of methamphetamine, which field-tested positive utilizing the TruNarc Handheld Narcotics Analyzer. CS-2 also positively identified a current driver's license photograph of BIRT from the Bureau of Motor Vehicles (BMV) as the subject he/she knew as "Chris" and who investigators observed conducting this narcotics transaction with CS-2. Both this controlled purchase of methamphetamine and the previous controlled purchase of methamphetamine by CS-1 will be submitted to the lab for further analysis and purity testing.

9. Record checks on BIRT indicated he was a convicted felon with an extensive criminal history in Ohio. BIRT served approximately 25 years in prison from 1990 to 2015 for rape and robbery convictions. In 2017, BIRT was arrested and charged in a federal narcotics investigation by the Federal Bureau of Investigation (FBI) and several state/local law enforcement

partners in the Dayton, Ohio area. BIRT was sentenced to 66 months in prison for possession with intent to distribute over 50 grams of methamphetamine through the U.S. District Court in the Southern District of Ohio (Dayton). BIRT was released from federal custody in 2022 and was currently still on supervised release.

CONCLUSION

10. Based on the facts set forth in this Affidavit, there is probable cause to believe that on two separate dates, July 29, 2024 and August 7, 2024, in the Southern District of Ohio, **Jon Christopher BIRT** did knowingly and intentionally distribute a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance, each date in violation of Title 21, United States Code § 841(a)(1) and (b)(1)(C).

ROBERT KUKOVIC
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Date: 2024.08.26 12:19:38 -04'00

Robert Kukovec
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on this 26th day of August, 2024.

Kimberly A. Johnson
United States Magistrate Judge

